IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.1186 OF 1998

Sahakar Maharshi Shankarrao Mohite
Patil SSK Ltd., Yashwantnagar .. Applicant.
V/s.
The Commissioner of Income-tax,
Kolhapur .. Respondent.

Mr.S.N. Inamdar with Mr.P. Vaidya for the applicant.
Mr.A.S. Rao with Mr.Pankaj Kapoor for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.
DATED : 12TH APRIL, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following questions for the opinion of this Court, reading as under :

> Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the contribution to Education fund under Maharashtra Co-operative Societies Act, 1960 is not allowable as business expenditure ?

2. The above question has already been answered by the Division Bench of this court in the case of **Somaiya Orgeno - Chemicals V/s. CIT [(1995) 216 ITR 291 (Bom)]** in favour of the assessee and against the revenue. In this view of the matter, question stands answered in terms of that judgment.

3. The reference is disposed of in the above terms with no order as to costs.

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